

E-Filed 12/3/15

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA FOR  
THE USE AND BENEFIT OF SLAKEY  
BROTHERS, INC, et al.,

Plaintiffs,

v.

FIRST SEALORD SURETY, INC.,

Defendant.

Case No. 12-cv-00321-HRL

**ORDER DISCHARGING ORDER TO  
SHOW CAUSE**

**ORDER SETTING STATUS  
CONFERENCE**

Re: Dkt. Nos. 16, 18, 20

The court ordered Plaintiff to file a status report by November 18, 2015. Plaintiff failed to file a status report and the court issued an order to show cause, if any, why this case should not be dismissed for failure to prosecute. Plaintiff substituted new counsel into this case and then filed a response to the order to show cause.

Plaintiff's new counsel asserts that she assumed the representation of Plaintiff in its collection matters in the fall of 2013, but that prior counsel neglected to inform new counsel about this case until the deadline to file a status report had passed. Dkt. No. 20 at 1-2. Plaintiff has shown good cause why this case should not be dismissed for failure to prosecute. The order to show cause is discharged and the show-cause hearing set for December 15, 2015 is vacated.

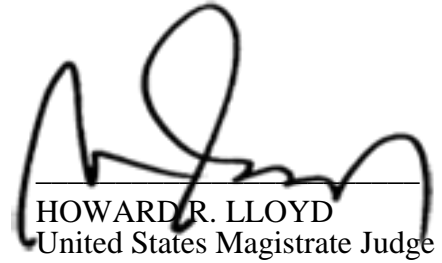
Plaintiff's response also includes the status update that the court requested in November: (1) it is likely that the liquidation of Defendant shall complete before this year ends; (2) Plaintiff's claim against Defendant has been approved by the liquidator; and (3) Plaintiff has been informed by the liquidator that Plaintiff shall be paid after liquidation completes. Plaintiff also asserts it "will request and submit a Stipulation for Dismissal" if payment is received before any future status conference takes place.

The court sets a status conference for March 1, 2016 at 1:30 p.m. in Courtroom 2 on the

Fifth Floor of the federal courthouse at 280 South First Street, San Jose CA 95113. The status conference shall be vacated automatically if the parties file a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

**IT IS SO ORDERED.**

Dated: 12/3/15



HOWARD R. LLOYD  
United States Magistrate Judge

United States District Court  
Northern District of California